

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wong et al.

Application Serial No.: 10/519,278

Filing Date: December 22, 2004

For: **AUTOMATED SENDING OF PRECONFIGURED MESSAGES**

Confirmation No. 8905

Group Art Unit: 2617

Examiner: Brandon J. Miller

Date: December 9, 2008

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.16(a)(4) to the U.S. Patent and Trademark Office on December 9, 2008.

Signature: \_\_\_\_\_

Kristen S. Carlos

**APPELLANTS' REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41**

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed October 15, 2008.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

**I. The Examiner's Answer – Response to Argument**

Appellants will refrain herein from readdressing all of the deficiencies with the pending rejections and, therefore, in the interest of brevity, Appellants hereby incorporate herein the arguments set out in Appellants Brief on Appeal filed May 13, 2008 (hereinafter "Brief") as if set forth in their entirety. Accordingly, Appellants will only address new arguments made in the Examiner's Answer.

In the "Response to Argument" section beginning on page 10, the Examiner's Answer attempts to rebut Appellant's arguments set forth in Section I of the Brief. Appellants will respond to the arguments in the Examiner's Answer for each of these sections below.

On page 11 of the Examiner's Answer, four issues are identified as being in dispute: 1) that Boltz discloses associating personal date information with a recipient and storing the personal date information in a contact register; 2) that Boltz discloses sending the electronic message based on personal date information associated with the recipient; 3) that Littleton discloses using personal date information as a basis for sending an electronic message; and 4) that birthday information from Littleton can be stored in a custom field without destroying the intent purpose, and function of the telephony system of Littleton. (Examiner's Answer, page 11). Appellants will address these four disputed issues identified in the Examiner's Answer below:

**A. Response to Argument Section - First Disputed Issue**

With regard to the first disputed issue, the Examiner's Answer alleges that Appellants are arguing distinctions not recited in the claims. In particular, the Examiner's Answer states that independent Claims 1, 12, and 24 do not recite storing personal date information in a contact register. Independent Claim 1 recites, in part:

retrieving date information from an electronic date determination unit;  
retrieving first recipient related information from an electronic contact register, the first recipient related information being personal date information associated with the recipient; and

automatically sending a pre-configured electronic message over a network to the recipient based on the date information and the first recipient related information. (Emphasis added).

Independent Claims 12 and 24 include similar recitations. Appellants agree that Claims 1, 12, and 24 do not literally recite storing personal date information in a contact register. These claims do recite, however, retrieving first recipient related information from an electronic contact register where the first recipient related information is personal date information. Thus, the claims recite retrieving personal date information associated with a recipient from an electronic contact register. Appellants submit that to be able to retrieve personal date information associated with a recipient from an electronic contact register, the personal date information must be interpreted as being stored therein.

Further, Boltz reference describes a system in which a user, *i.e.*, message sender, can define a date and time that an SMS message is to be delivered (Boltz, col. 4, lines 20 - 24; col. 4,

lines 44 - 62; and col. 4, line 63 - col. 5, line 12). The Examiner's Answer alleges that this defined date and time reads on the first recipient related information of independent Claims 1, 12, and 24, and further alleges that Boltz can be modified to incorporate the teachings of Littleton such that the defined date and time can be personal date information associated with the recipient. (Examiner's Answer, pages 11 and 12).

Littleton points out that a record for a contact in a database may include custom fields, such as a field for storing birthday information. (Littleton, paragraph 21). Such a custom field may be used to store a compressed coded string message representing the various telephony feature information associated with the contact. (Littleton, paragraph 23). Thus, when Boltz is modified to include the teachings of Littleton with respect to using the contents of a custom birthday information field in a database as the defined date and time information, the defined date and time information becomes telephony feature information associated with the recipient, which is not personal date information as recited in the pending independent claims.

**B. Response to Argument Section – Second and Third Disputed Issues**

With regard to the second disputed issue, the Examiner's Answer repeats much of the analysis set forth regarding the first disputed issue by alleging that the defined date and time described in Boltz reads on the first recipient related information of independent Claims 1, 12, and 24, and that Boltz can be modified to incorporate the teachings of Littleton such that the defined date and time can be personal date information associated with the recipient. (Examiner's Answer, pages 12 - 14). Again, the Examiner's answer appears to ignore that Littleton teaches that the contents of a custom birthday information field in a contact database is replaced with telephony feature information associated with the contact. (Littleton, paragraph 23). Accordingly, when Boltz is modified by using the contents of a birthday information field as the defined date and time information, the combination fails to disclose the first recipient information being personal date related information as telephony feature information is not personal date related information. Moreover, the combination fails to disclose or suggest "automatically sending a pre-configured electronic message over a network to the recipient based on the date information and the first recipient related information" as recited in the independent

claims as the combination provides no disclosure or suggestion of sending a pre-configured electronic message to a recipient based on date information and telephony feature information.

Appellants further submit that the combination of Boltz and Littleton fails to disclose or suggest the automatic sending of a message based on date information and personal date information associated with the recipient retrieved from a contact register. As discussed in the Brief, Boltz describes a system in which a user, *i.e.*, a message sender, can define a date and time that an SMS message is to be delivered. (Boltz, col. 4, lines 20 – 24; col. 4, lines 44 – 62; and col. 4, line 63 – col. 5, line 12). The pending independent claims, however, recite that the sending of the message is automatic based on date information and personal date information associated with the recipient that is retrieved from a contact register. For example, no input is required of a user of a device according to an embodiment of the present invention to send a congratulations on birthdays/anniversaries/ holidays, etc. to his/her friends, children, grand children, etc. as such information may be stored in a contact register as a result of the recipients previously having sent a V-card with contact information to the sender's communication device, which is stored in a contact register. A user of Boltz's device is required to remember such recipient and date details and program them into the system. Boltz appears to be directed to solving the problem of reminding a recipient of irregular events, such as reminding employees of a meeting, reminding a spouse of changed dinner arrangements, reminding a spouse to stop by a supermarket, etc. (Boltz, col. 5, lines 20 – 23). By contrast, embodiments according to the recitations of the independent claims may allow, for example, the automatic distribution of a standardized congratulation message concerning regular events, such as birthdays and holidays.

### **C. Response to Argument Section - Fourth Disputed Issue**

With regard to the fourth disputed issue, the Examiner's Answer alleges that Littleton teaches that birthday information can be stored in one of the custom fields of the contact database. (Examiner's Answer, page 14). Appellants agree that Littleton teaches that a contact database may contain a custom birthday information field, but Appellants further submit that Littleton teaches that any birthday information associated with the contact should be removed and replaced with telephony feature information associated with the contact. (Littleton, paragraph 23). The Examiner's Answer appears to allege that it would not destroy the intent and

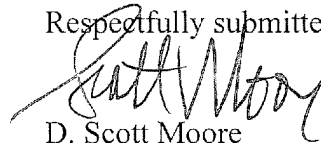
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purpose of Littleton to store birthday information in the custom birthday field. Appellants respectfully disagree. Littleton describes a technique for provisioning telephony services on a personal digital assistant (PDA) in which a user is presented with a list of names of contacts in an address book database. Littleton's entire purpose, therefore, is to provision telephony services. If birthday information is stored in the custom birthday field instead of telephony feature information, then the purpose of provisioning telephony services would be thwarted.

## **II. Conclusion**

For at least the reasons set forth in above and in Appellants' Brief, Appellant requests reversal of the rejections of Claims 1, 4 – 12, and 15 - 2 and allowance of Claims 1, 4 – 12, and 15 - 2.

Respectfully submitted,



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